

Appln No. 10/692,705

Amdt date January 3, 2006

Reply to Office action of October 3, 2005

**Amendments to the Drawings:**

The attached (1) sheet of drawings replace the original sheet previously submitted.

Attachments: Replacement Sheet (1 sheet)

Annotated Sheet (1 sheet)

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### **REMARKS/ARGUMENTS**

Claims 10, 11, 13-17, and 27-49 are pending in the above-reference application with claims 27-29 being withdrawn from consideration as being directed to a non-elected species.

Claims 10, 15 and 27-30 have been amended and claims 31-49 added to further define Applicant's invention.

This is a response to the Office Action dated October 3, 2005 wherein the Examiner objected to the specification for (1) including misspelled word "sdies", and (2) for using a trademark but not followed by a generic terminology; objected to the drawings for including element number "14" but not mentioned in the specification; rejected claims 15, 19, 21, and 30 under §112, 2<sup>nd</sup> ¶, for using the trademark "POST-IT®"; rejected claims 22 under §112, 2<sup>nd</sup> ¶, for lack of antecedent support; rejected claim 30 for indefiniteness; rejected claims 1, 3-6, 8, and 9 under §102(b) as being anticipated by Clark (US 1,277,696); rejected claims 1-4, 8-9, and 30 under §102(b) as being anticipated by Shea (US 3,484,976); rejected claims 1-4, 7-11, 13, 14, 16, 17, and 30 under §102(b) as being anticipated by Greco (US 3,517,450); and rejected 7 and 18-26 under §103(a) as being obvious over Clark and ordinary skill in the art. In view of the amendments as set forth above and the remarks that follow, reconsideration and a notice of allowance are respectfully solicited.

Allowance of claim 12 if amended in independent form to include all limitations of the base claim is acknowledged with thanks.

### **Objection to the Specification**

The specification is objected to because the word "sdies" is misspelled in paragraph [0023] and because a trademark was used without a generic terminology. In response thereto, Applicant has amended paragraphs [0023] and [0024] as set forth above. Notice thereof is respectfully requested.

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**Objection to the Drawings**

FIGs. 1 and 2 are objected to because element number 14 was used without corresponding a description in the specification. In response thereto, Applicant has amended paragraph [0022] as set forth above.

The drawings are objected to for failing to show feature(s) recited by claims 15, 19, and 22. In response thereto, Applicant has amended FIG. 8 and paragraph [0036]. Rescission of the objection is respectfully requested.

**§112, 2<sup>nd</sup> ¶, Rejection of Claims 15, 19, 21, and 30**

Claim 15 is rejected for reciting a trademark, which is considered indefinite. Claim 15 has been amended to overcome the rejection as set forth above.

Claims 19, 21, and 22 are rejected but have been canceled, which makes the rejection moot.

Claim 30 is rejected as several of the recited limitations were deemed unclear by the Examiner. Claim 30 has been amended to capture a different scope of Applicant's invention, which also rendered the rejection moot.

Reconsideration and notice thereof are respectfully requested.

**§102(b) Rejection of Claims 1, 3-6, 8, and 9 by Clark**

**New Claims 32-49 in view of Clark**

The Examiner has rejected claims 1, 3-6, 8, and 9 for being anticipated by Clark. Although claims 1, 3-6, 8, and 9 have been canceled and the rejection now moot, Applicant wishes to address Clark in view of newly added claims 32-49.

The Clark reference is directed to a pad 11 having a plurality of individual recording sheets 12 for tracking the dispensing of narcotics or opiates as required by Federal law at the time of the patent (Col. 1, lines 10-17). The entire pad 11 is placed on a container 5. Each time a quantity of narcotics is dispensed to a patient, information about the patient 21, 22, the quantity dispensed 24, the date dispensed 20, and name of the dispensing person 23 are recorded on a

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sheet 12. The recorded sheet is then removed and kept as records. Clark is not concerned with tracking time between two different dosages nor is he concerned with a future event. Nor is Clark concerned with a time interval for any particular age group.

Newly added independent claim 32 recites a template for recording consumed medication dosages comprising a recordable medium for recording information about the consumed medication comprising a plurality of sides, adhesive for applying the recordable medium to a surface, a plurality of lines printed on the recordable medium defining a plurality of entry fields for recording information, and a first printed time indicia indicating a first time a first dosage of medication was consumed and a second printed time indicia indicating approximately a second time a second dosage of medication is to be consumed, which defines a time interval between the first dosage and the second dosage, and wherein the time interval is based on a recommended range for a particular age group.

Applicant submits that Clark neither teaches, contemplates, nor appreciate the various new and different aspects that the template recited in claim 32 tracks. Among other things, the template tracks a future event, a time interval, and a dependency relationship of the time interval with a particular age group.

Because new claims 33-40 depend, either directly or indirectly, from claim 32, they too are allowable over Clark for at least the same reasons as claim 32.

Newly added independent claim 41 recites a template for recording an ingestible product consumed comprising a recordable surface and a plurality of entry fields for recording information related to the ingestible product, a first entry field comprising a first name entry; a second entry field comprising a first time entry; a third entry field comprising a second time entry; and wherein the first time entry and the second time entry define a time interval for consuming two distinct dosages; and wherein the second time entry represents an approximate time of a future event.

Clark similarly does not appreciate the features recited by claim 41. Among other things, Clark does not appreciate the value of recording multiple time entries, the time entries being

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related to one another, the time entries defining a time interval, and wherein one of the time entries represents a future event. Clark is simply concerned with who received what and how much on which date. A second recording from Clark can be wholly unrelated to the first with no concern whatsoever about a time interval.

Because new claims 42-49 depend, either directly or indirectly, from claim 41, they too are allowable over Clark for at least the same reasons as claim 41.

**§102(b) Rejection of Claims 1-4, 8-9, and 30 by Shea**

**New Claims 32-49 in view of Shea**

Claims 1-4, 8-9, and 30 have been rejected as being anticipated by Shea. As claims 1-4 and 8-9 have been canceled, their rejection is moot.

Regarding claim 30, it has been amended to capture a different scope of Applicant's invention. In particular, claim 30 has been amended to now recite a template for recording information about an ingestible product comprising a recordable medium comprising: a plurality of sides; a plurality of lines printed on the medium, the plurality of lines defining a plurality of entry fields for entry of information about the ingestible product, and a pre-formatted field comprising at least one printed word, said at least one printed word conveying information for recording a time representing a future event.

The Shea reference is directed to a recording medium for tracking movement and quantity of liquor dispensed. The recording medium, or registering means 12, includes a plurality of groups of entry fields for tracking the initials, location, and serial number of the establishment owner each time a bottle is moved or poured. Each group of entry field is separated from the other groups by perforations, which allows the individual groups to be removed and kept as records. (See, Col. 2, lines 19-37).

Thus, Shea does not disclose, teach, or appreciate a recording medium that tracks ingestible products and a future event related to that product represented by at least one printed

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word. Accordingly, because the Shea reference does not disclose each and every element of claim 30, it cannot reject claim 30 under §102(b).

Applicant further submit that Shea is not relevant to new claims 32-49 because they, among other things and as more fully discussed above with reference to the Clark reference, recite features for recording time indicative of a future event not contemplated by Shea.

**§102(b) Rejection of Claims 1-4, 7-11, 13, 14, 16, 17, and 30 by Greco**

**New Claims 32-49 in view of Greco**

Claims 1-4, 7-11, 13, 14, 16, 17, and 30 are rejected for being anticipated by Greco. As claims 1-4 and 7-9 have been canceled, only claims 10, 11, 13, 14, 16, 17, and 30 are relevant.

Independent claim 10 has been amended to incorporate the limitations of allowed claim 12. In other words, claim 10 is claim 12 recited in independent form to include all of the limitations of the base claim. Thus, claim 10 should be allowable.

Similarly, since claims 11, 13, 14, 16, and 17 depend, either directly or indirectly from claim 10, they too should be allowable.

Regarding independent claim 30, it has been amended to capture a different scope of Applicant's invention. In particular, claim 30 has been amended to now recite a template for recording information about an ingestible product comprising a recordable medium comprising: a plurality of sides; a plurality of lines printed on the medium, the plurality of lines defining a plurality of entry fields for entry of information about the ingestible product, and a pre-formatted field comprising at least one printed word, said at least one printed word conveying information for recording a time representing a future event.

Contrariwise, Greco is directed to a recordable device for recording intravenous (IV) administration, i.e., to record a flow rate, which is some volume measured over a period of time. As is readily apparent from the figures, the recordable device has a single "Time Started" entry, identified as 16, and a single "Time Stopped" entry, identified as 19. In between, there are several entries 17, 18 for verification by a caregiver during the periods between the time started

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and the time stopped. The recordable device further includes graduations 15 so that the amount of fluid dispensed may be monitored and the flow rate verified by the caregiver.

As is common in IV administrations, the solution is to be administered until completed with only the rate of infusion periodically adjusted. Thus, the recordable device disclosed by Greco is not concerned with batch processing but only with continuous processing. Furthermore, Greco is not concerned with recording a time for a future event since that has no bearing or relation to a present flow rate, which is the crux IV administration. In contrast, claim 30 recites a template for recording information about an ingestible product comprising a recordable medium comprising a plurality of sides; a plurality of lines printed on the medium, the plurality of lines defining a plurality of entry fields for entry of information about the ingestible product, and a pre-formatted field comprising at least one printed word, said at least one printed word conveying information for recording a time representing a future event.

Because Greco does not disclose each and every element of the template recited by claim 30, the Greco reference cannot anticipate claim 30 under §102(b).

Applicant further submit that Greco is not relevant to new claims 32-49 because they, among other things and as more fully discussed above with reference to the Clark reference, recite features for recording time indicative of a future event not contemplated by Greco.

#### **§103(a) Rejection of Claims 7 and 18-26**

Claims 7 and 18-26 are rejected for obviousness by Clark in view of ordinary skill in the art. Because these claims have been canceled, the rejection is moot.

Patentability of new claims 32-49 over Clark was discussed above.

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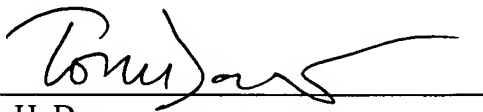
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In view of the amendments and the remarks set forth above, the application is thought to be in condition for allowance and early notice thereof is respectfully solicited.

Should the Examiner finds it necessary to speak with Applicant, she is invited to speak with the undersigned at the telephone number identified below.

Respectfully submitted,

By   
Tom H. Dao  
949/212-8197

THD/ms





TRAKKER			
	AM		AM
	PM		PM
	AM		AM
	PM		PM
	AM		AM
	PM		PM
	AM		AM
	PM		PM

FIG. 3

TRAKKER			
Alex 3	AM		AM
	PM		PM
Nick 4:30	AM		AM
	PM		PM
Alex 9	AM		AM
	PM		PM
Nick 10:30	AM		AM
	PM		PM

FIG. 4

TRAKKER			
Vic, 3 pm			
Vic, 10 pm			

FIG. 5

TRAKKER			
2 ml of fever reducer, 3:30 pm, call Doc Morris if fever still high			

FIG. 6

TRAKKER			
Dosage: 1.25 ml	AM	Dosage: 1.25 ml	AM
Vic, 6	PM	Vic, 2	PM
Dosage: 2 ml	AM	Dosage:	AM
Alex, 9	PM		PM
Dosage: 1.25 ml	AM	Dosage:	AM
Vic, 10	PM		PM
Dosage: 1.5 ml	AM	Dosage:	AM
Nick, 11:30	PM		PM
Dosage: 2 ml	AM	Dosage:	AM
Alex, 1	PM		PM

FIG. 7

TRAKKER			
44a			
44b			
44c			
44d			
44e			

FIG. 8